

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 25, 2009 ("Office Action"). Claims 34-39 and 41-56 are pending in the Application and stand rejected. Claims 34, 36, 39, 43-44, and 49 have been amended without adding new subject matter.¹ Claims 1-33 and 40 were previously canceled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Applicant thanks the examiner for the time and courtesies extended during the telephonic interviews held on Thursday, January 7, 2010, and Friday, January 15, 2010. Applicants respectfully submit that the substance of the interview included a discussion of the pending claims in view of U.S. Patent Application Publication 2004/0100770 to Chu *et al.* ("*Chu*"). No agreement was reached.

Claim Rejections – 35 U.S.C. § 103

Claims 34-36, 38-39, 43-45, 49-50, and 52, stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over *Chu* in view of U.S. Patent Application Publication 2003/0053293 to Beitelmal *et al.* ("*Beitelmal*"), and further in view of U.S. Patent Application Publication 2002/0190868 to Dearborn *et al.* ("*Dearborn*"). Applicant respectfully traverses this rejection.²

As one example, the *Chu-Beitelmal-Dearborn* combination fails to teach or suggest at least amended claim 34's feature of:

a rack ... having open first and second sides that are opposed to each other and are open to circulation of ambient air from a computing workspace during operation of the system so as to permit fluid communication across the computer boards to an exterior of the rack..., the plurality of computer boards accessible through at least one of the open first and second sides through the central aisle of the computing workspace during cooling of the computer components by air cooled through the one or more cooling coils, and wherein the rack has third and

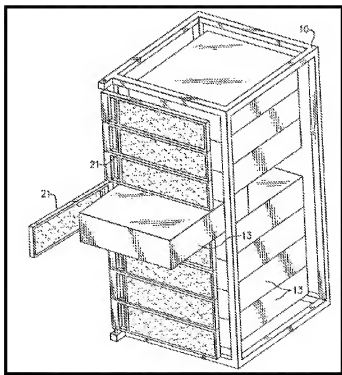
¹ Support for the amendments to the claims may be found at, for example, Figs. 1, 2A-B, and sections [0012]-[0013] and [0025]-[0034] of the Application as filed.

² Claims 37, 41-42, 46-48, 51, 53-56 are rejected as unpatentable over various combinations of references including U.S. Patent No. 5,740,018 to Rumbut, Jr., U.S. Patent No. to Laffranchi, U.S. Patent No. 6,407,567 to Etter, U.S. Patent No. 6,530,347 to Takahashi *et al.*, and U.S. Patent Application Publication 2003/0147214 to Patel *et al.* Applicants respectfully submit that the Office Action fails to show that these cited secondary references account for the deficiencies in *Chu* described herein.

fourth opposed sides between the first and second sides, the third and fourth opposed sides not open to circulation of ambient air from the computing workspace.

The Office Action alleges that *Chu* teaches the claimed rack structure, but the described structures in *Chu* do not account for the rack as claimed in these features. For instance, each of the structures taught by *Chu*, such as those shown in Figs. 2, 4a-c, 5a-b, 6, 7, 8a, 9-13a, and 14a, completely enclose any devices contained therein. Accordingly, the teachings of *Chu* exemplified by these figures fail to show (1) a rack that is open to circulation of ambient air from a computing workspace on open first and second sides but not on third and fourth sides; and (2) computer boards accessible through at least one of the open first and second sides through the central aisle during cooling of the computer components by air cooled through one or more cooling coils. Indeed, *Chu* makes clear that, to the extent such enclosed structures (shown in Figs. 11a and 14a) allow airflow therethrough, it is only when cooling coil operation is interrupted. See *Chu* at [0049]-[0050]; [0053].

Moreover, any disclosure in *Chu* of an “open” structure — such as that shown in Fig. 8b of *Chu*, below — fails to render such features obvious.



Indeed, any reliance on this figure of *Chu* is misplaced, as, taken alone, Fig. 8b fails to teach or suggest a rack that is open to circulation of ambient air from a computing workspaces on open first and second sides but not on third and fourth sides. First, the structure in Fig. 8b is itself not a rack; Applicant respectfully submits that *Chu* (at [0045]) suggests that the bare structure shown in Fig. 8b fits within the cabinet illustrated in Figs. 7 and 8a. *See Chu* at [0045]. Accordingly, that structure shown in Fig. 8b is likely enclosed within a fully enclosed cabinet, such as that shown in Figs. 7 and/or 8a. As such, the figure fails to disclose a rack that is open to a computing workspace on first and second open sides, that that has “computer boards accessible through at least one of the open first and second sides through the central aisle of the computing workspace during cooling of the computer components by air cooled through one or more cooling coils.”

That *Chu* would suggest that the structure shown in Fig. 8b is enclosed within a cabinet is not surprising, since the systems disclosed in *Chu* are directed to the problems of (1) “hot air” recirculation, *i.e.*, air warmed by certain computing devices being circulated over other computing devices; (2) high acoustic levels due to multiple air moving devices; and (3) electromagnetic (EMC) “cross-talk” between devices in tightly spaced computer frames. *See Chu* at [0003]. *Chu*’s proposed solution to these problems is a “self-contained mechanism” utilizing “an enclosure scheme within which a stack or stacks of electronic drawers are packaged.” *Id.* at [0006]. Indeed, *Chu* describes its “enclosure scheme” thusly:

Because the frame is closed and because the inner walls are lined with sound absorbent or deadening material, much of the acoustic noise caused by the air moving devices will be contained within the closed cabinet. Also, since the cabinet is closed with only minimal openings at the bottom of the frame for cables, it will also exhibit improved characteristics with respect to reducing both susceptibility to electromagnetic interference from outside the cabinet and electromagnetic radiation from within the cabinet.

Id. (emphasis added). Applicant respectfully submits that *Chu*, taken as a whole, would be understood by those of ordinary skill in the art as teaching a *completely enclosed structure* rather than “a rack structure having enclosed lateral and top and bottom sides and open first and second sides adjacent the lateral sides,” as recited in amended claim 34. *See* M.P.E.P. § 2141.02(VI) (prior art must be considered in its entirety).

Even if Fig. 8b is viewed out of its proper context, and the frame there is itself viewed to be a computer rack, it does not anticipate or render obvious the pending claims. For example, the frame in FIG. 8b is open all around its perimeter, and thus would not be open to circulation of ambient air from a computing workspace on open first and second sides, but not on third and fourth opposed sides that are between the first and second sides. Thus, for this additional reason, Applicant submits that claim 34 is in condition for allowance.

For at least the foregoing reasons, Applicant respectfully submits that amended claim 34 and all claims depending therefrom are nonobvious in view of the cited combination. Applicant respectfully submits that amended claims 43 and 49 are allowable at least for the reasons provided above with respect to amended claim 34. Accordingly, Applicant respectfully requests reconsideration and allowance of amended claims 34, 43, and 49 and all claims depending therefrom.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant respectfully requests consideration of all filed IDSs not previously considered, by initialing and returning each Form PTO-1449.

All fees for a two-month extension of time are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization to Deposit Account No. 06-1050. Please apply any other fees or credit any overpayments to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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